

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

JOSEPH W. LONG, JR.

v.

BOROUGH OF DOWNINGTOWN, et al.

: CIVIL ACTION

:

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:

:

NO. 13-3921

**FILED**

MAY 23 2014

MICHAEL E. KUNZ, Clerk  
By \_\_\_\_\_ Dep. Clerk

**ORDER**

AND NOW, this 23<sup>rd</sup> day of May 2014, upon consideration of (1) an uncontested motion to dismiss Plaintiff's Third Amended Complaint filed by Defendant Bruce Hill (Doc. 36), (2) an uncontested motion to dismiss Plaintiff's Third Amended Complaint filed by Defendants Borough of Downingtown, Police Chief James McGowan, and Patrol Officer Pamela Fentner (collectively "Borough Defendants") (Doc. 37), (3) Borough Defendants' uncontested motion for sanctions (Doc. 38), and (4) Borough Defendants' motion for dismissal pursuant to Rule 41(b), IT IS HEREBY ORDERED as follows:

1. Defendant Bruce Hill's motion to dismiss (Doc. 36) is GRANTED AS UNOPPOSED, and therefore all claims against Defendant Hill are DISMISSED WITH PREJUDICE.
2. Borough Defendants' motion to dismiss (Doc. 37) is GRANTED AS UNOPPOSED. As a result, all claims previously dismissed with prejudice are again DISMISSED WITH PREJUDICE, all claims previously dismissed without prejudice are now DISMISSED WITH PREJUDICE, and the conspiracy claim set forth in the Fourth Cause of Action is DISMISSED WITH PREJUDICE. The only claims remaining are those brought under the Fourth Amendment (First Cause of Action), in which Defendant Fentner is the only remaining defendant, and supplemental state law claims against Defendant Fentner for false arrest, false imprisonment and malicious prosecution (Second and Third Causes of Action).
3. Borough Defendants' motion for sanctions (Doc. 38) is DENIED.
4. Borough Defendants' motion for dismissal pursuant to Rule 41(b) is DISMISSED WITHOUT PREJUDICE AS MOOT.

IT IS FURTHER ORDERED that Borough Defendants have fourteen days from the date of this Order, or until June 5, 2014, to file an answer to the Third Amended Complaint.

By separate Order, the Court will schedule a Rule 16 pretrial conference with counsel.

BY THE COURT:

  
ELIZABETH T. HEY

UNITED STATES MAGISTRATE JUDGE